

IN THE MATTER OF REMAND FOR FURTHER)
PROCEEDINGS ON APPLICATIONS 35900,)
35902 and 36461 FILED IN OASIS VAL-))
LEY, NYE COUNTY, NEVADA.)

PRE-HEARING
ORDER

On March 5, 1981 in Case No. 8961 the district court re-
manded the case to the State Engineer for further proceedings
to reconsider Applications 35900, 35902 and 36461 filed by Lee
Ward Bolman. The applications propose to appropriate water from
the Upper, Middle, and Lower Indian Springs.

A hearing before the State Engineer will be scheduled on
the applications to receive evidence relevant to the approval
or denial of the applications. The hearing will be scheduled
subsequent to the completion of the affected parties of the mat-
ters listed below. The scope of the hearing will include exami-
nation of such other water rights on the source as may be placed
in issue in accordance with the provisions of this order.

Within 90 days of this order all parties must file with the
State Engineer an outline of testimonial and documentary evidence
to be offered relevant to the criteria for the approval or denial
of the applications. If an applicant is applying for water which
is presently subject to an existing right but which is contended
to be available for appropriation by virtue of the existing right
having been abandoned or forfeited in whole or in part, the out-
line must include identification of the right, the owner of re-
cord, the quantities alleged to have been abandoned or forfeited,
and the dates during which the quantities are alleged to have
been continuously not used. The evidence to be offered at the
hearing to prove the quantities and dates must be set forth with
particularity. If testimony will be offered, state the name,
address and phone number of the witness. If documents, photo-
graphs, prepared exhibits, or items other than testimony are to
be offered, state the location and custodian of the items and how
they may be examined by other parties or the State Engineer prior
to the hearing.

Any protestant or other person contending that abandonment
or forfeiture has occurred of any water right on the source must
comply with this order in the same manner as required of an appli-
cant.

Within 90 days of this order all parties must supply a copy of their respective outlines to affected persons who make such requests in writing.

Within 90 days of this order all parties who will assert that abandonment or forfeiture has occurred must serve a copy of this order and a copy of their respective outlines on the persons whose water rights are claimed to have been abandoned or forfeited. Personal service is required on all persons using water under the right or with permission of the owner of the right and on all persons owning land within the place of use of the water right contended to have been abandoned or forfeited. If personal service is reasonably attempted, but is unsuccessful, service may be by certified or registered mail. The affidavits of process servers and postal return receipts must be offered into evidence at the hearing. Failure to attempt service in the manner specified will preclude a party from offering evidence on or asserting a claim of abandonment or forfeiture.

Persons served may within 60 days file a written response with the State Engineer and may appear at the hearing. Persons served should notify the State Engineer in writing of an address at which the notice of hearing is to be sent. After the expiration of the 60 day period a notice of hearing will be mailed to the affected parties. The hearing will be no earlier than 60 days from the date of the notice.

Persons affected by this order may request an enlargement of the time periods specified in this order. Requests based on reasons other than lack of success in accomplishing personal service will not be favored.

Dated NOVEMBER 4, 1981.


PETER G. MORROS
State Engineer

Copies mailed to:

1. George Abbott
2. Lee Ward Bolman
3. Beatty Water and Sanitation District
4. Peter L. Knight
5. Honorable Robert G. Legakes